



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Reimbursement Agreement RA-03-02 Establishing an Area of Benefit and Reimbursable Costs for Public Improvements for Tienda Place, Unit No. 1, Tract No. 3141

MEETING DATE: November 5, 2003

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a Public Hearing to consider Reimbursement Agreement RA-03-02 Establishing an Area of Benefit and Reimbursable Costs for Public Improvements for Tienda Place, Unit No. 1, Tract No. 3141.

BACKGROUND INFORMATION: The Tienda Place, Unit No. 1, subdivision is located south and west of the Woodbridge Irrigation District canal, north of Kettleman Lane, and east of Lakeshore Drive. The Developer, Tienda Partners, entered into an Improvement Agreement with the City on November 21, 2001. The terms of the Improvement Agreement required the installation of certain public improvements on the west side of Lakeshore Drive, including the installation of asphalt concrete pavement, concrete curb and gutter, water, wastewater and storm drainage lines, and other miscellaneous and related improvements. Portions of the public improvements installed by the Developer benefit the neighboring property at 1750 Tienda Drive (APN 031-040-041) owned by the R. Thomas Development, Inc. The benefiting property is shown on Exhibit A.

The Developer has requested a Reimbursement Agreement and establishment of an area of benefit in conformance with Chapter 16.40 of the Lodi Municipal Code for those improvements that benefit the neighboring property.

The property owner within the area of benefit has been notified and has submitted a letter of acceptance. The Developer has paid the appropriate application fee and the fees to cover the cost of recording the Reimbursement Agreement. A copy of the itemized costs for the reimbursable improvements is attached as Exhibit B.

In conformance with LMC Section 16.40, staff recommends that Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the cost of public improvements benefiting the parcel known as 1750 Tienda Drive (APN 031-040-041). The reimbursable costs for the property are shown on Exhibit B.

Pursuant to Lodi Municipal Code Section 16.40.50.A.3, the reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. Similar adjustments to the reimbursable costs will be made each January until payment is received. In the event that the benefiting properties shown on Exhibit A develop, the City will collect the appropriate amounts from the developers of the benefiting property, and reimburse the Developer. The charges for a benefiting property shall be paid in full at the time of the first development on that property.

FUNDING: Applicant fees and reimbursement fees collected from future development.

Richard C. Prima, Jr.
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer

RCP/LC/pmf

Attachments

cc: Senior Civil Engineer – Development Services

Tienda Partners

R. Thomas Development, Inc.

APPROVED: _____

Janet Flynn -- City Manager

EXHIBIT B

City of Lodi
Public Works Department

Tienda Place
Reimbursement Agreement

Development: Tienda Place, Unit No. 1
Developer: Tienda Partners
Engineer: Baumbach & Piazza

Cost of Reimbursable Improvements for: Tienda Place, Unit No. 1

				R. Thomas Development, Inc. Property	
Item	Description	Quantity	Unit	Price	APN 031-040-041
<u>Street System⁽¹⁾</u>					
1	Roadway Excavation	820	CY	\$5.25	\$4,305.00
2	0.67' Compact Original Ground	10,291	SF	0.15	1,543.65
3	0.20' AC	10,291	SF	0.70	7,203.70
4	0.30' AB	10,291	SF	0.45	4,630.95
5	Vertical C&G	657.17	LF	10.00	6,571.70
6	Curb Return (R=20')	1	EA	1,600.00	1,600.00
7	Concrete Subgrade Compaction	1,643	SF	0.35	<u>575.05</u>
				Sub total	\$26,430.05
<u>Storm Drainage System⁽²⁾</u>					
1	12" Storm Drain Lateral	40	LF	\$19.00	\$760.00
2	Side Inlet Catch Basin w/ Conc Apron	1	EA	\$725.00	\$725.00
3	18" Storm Drain	30.79	LF	\$26.00	\$800.54
4	24" Storm Drain	17.36	LF	\$45.00	<u>\$781.20</u>
				Sub total	\$3,066.74
<u>Sewer System⁽³⁾</u>					
1	8" Sewer Pipe	145.83	LF	\$16.00	\$2,333.28
2	Partial Sewer Service	11	EA	\$310.00	<u>\$3,410.00</u>
				Sub total	\$5,743.28
<u>Water System⁽⁴⁾</u>					
1	8" Water Pipe	378.3	LF	\$16.00	\$6,052.80
2	Partial Water Service	11	EA	\$325.00	\$3,575.00
3	8" Water Valve	1	EA	\$875.00	<u>\$875.00</u>
				Sub total	\$10,502.80
				Total Reimbursable Improvement Cost	\$46,742.87
				10% Engineering & Administration	\$4,574.29
				Engineering Plan Check Fee (1.5%)	\$686.14
				Engineering Inspection Fee (2.5%)	\$1,143.57
				Reimbursement Application Fee	<u>\$500.00</u>
				Total Reimbursable Cost	\$52,646.87
				Total Reimbursement for Tienda Partners:	\$52,646.87

Notes:

- (1) The reimbursement is based on one half the cost of the Tienda Drive and Lakeshore Drive street improvements fronting the benefiting parcel.
- (2) The piping reimbursement cost is prorated based on the area of contribution to the master storm drain system. The cost of the side inlet catch basin and lateral on the west side of Lakeshore Drive is fully assigned to the benefiting parcel.
- (3) The reimbursement cost is prorated based on the area of contribution to the sewer main system. The cost of the eleven partial sewer services is fully assigned to the benefiting parcel.
- (4) The reimbursement is based on the one half the cost of the water main fronting the benefiting parcel, the cost of 11 partial water services serving the benefiting parcel, and the cost of an 8-inch water main connection and 8-inch water valve for future connection the benefiting parcel.

RESOLUTION NO. 2003-205

A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING AN
AREA OF BENEFIT AND REIMBURSABLE COSTS FOR TIENDA
PLACE, UNIT NO. 1, TRACT NO. 3141 PUBLIC IMPROVEMENTS

WHEREAS, the Tienda Place, Unit No. 1, Subdivision is located south and west of the Woodbridge Irrigation District Canal, north of Kettleman Lane, and east of Lakeshore Drive; and

WHEREAS, the Developer, Tienda Partners, entered into an Improvement Agreement with the City of Lodi on November 21, 2001, which required the installation of certain public improvements on the west side of Lakeshore Drive, including the installation of asphalt concrete pavement, concrete curb and gutter, water, wastewater and storm drainage lines, and other miscellaneous and related improvements; and

WHEREAS, portions of the public improvements benefited the neighboring property at 1750 Tienda Drive (APN 031-040-041), as shown on Exhibit A; and

WHEREAS, in conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that the City Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the costs for those improvements that benefit the neighboring property; namely, APN 031-040-041; and

WHEREAS, the reimbursable cost for the parcel is shown on Exhibit B attached hereto; and

WHEREAS, pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be adjusted annually in January to include an amount attributable to interest. The annual adjustment will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1 of the previous year. The beginning ENR index will be 6581.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the costs for those improvements that benefit the neighboring property; namely, APN 031-040-041. The reimbursable costs for the neighboring property are shown on Exhibit B attached and shall be collected at the time of development for each parcel; and
- b) Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be adjusted annually in January to include an amount attributable to interest. The annual adjustment will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1 of the previous year. The beginning ENR index will be 6581.

Dated: November 5, 2003

I hereby certify that Resolution No. 2003-205 was passed and adopted by the Lodi City Council in a regular meeting held November 5, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

A handwritten signature in black ink, appearing to read "Susan J. Blackston", with a stylized flourish at the end.

Susan J. Blackston
City Clerk



RA 03-02

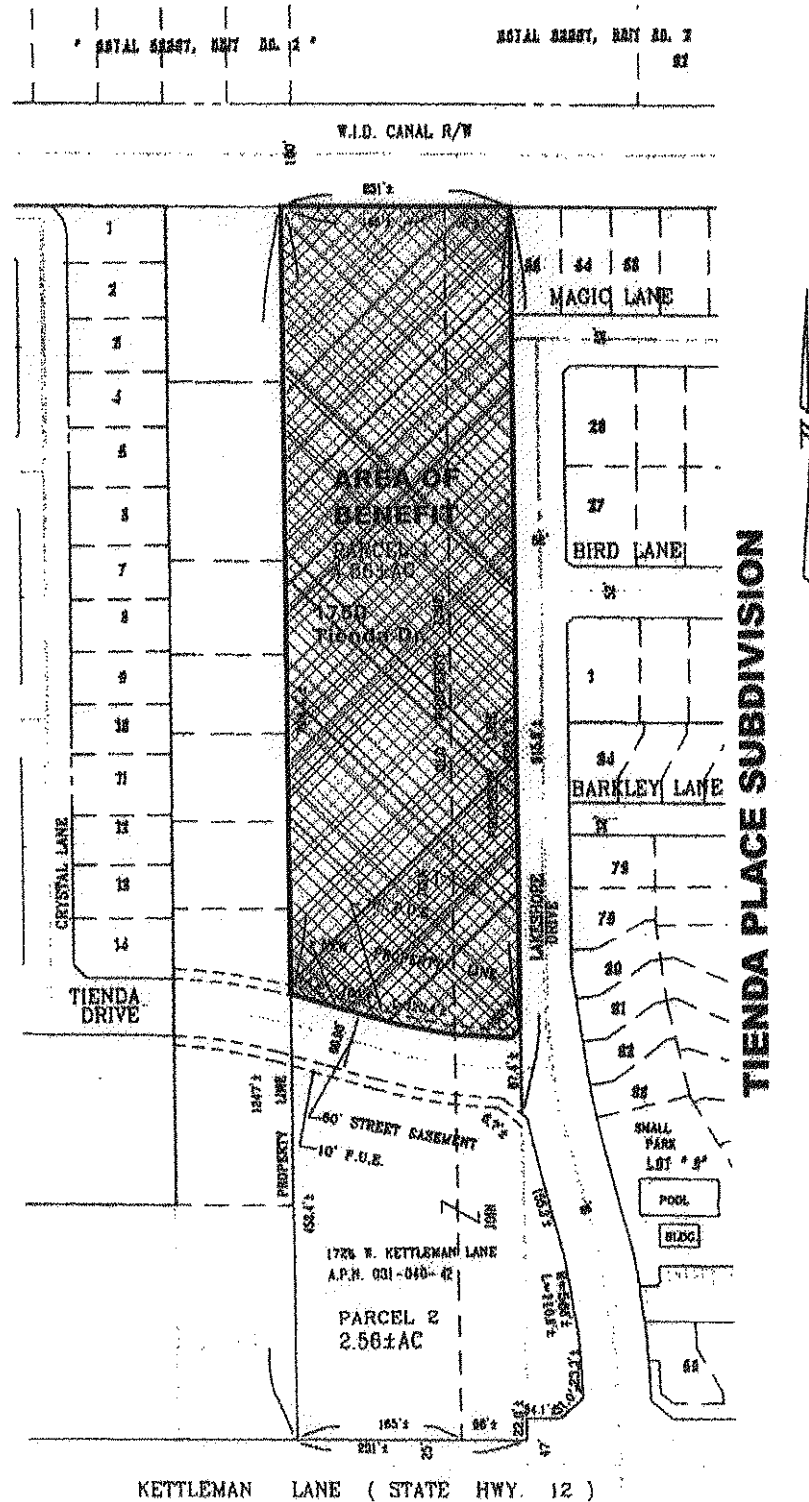


EXHIBIT B

City of Lodi
Public Works Department

Tienda Place
Reimbursement Agreement

Development: Tienda Place, Unit No. 1
Developer: Tienda Partners
Engineer: Baumbach & Piazza

Cost of Reimbursable Improvements for: Tienda Place, Unit No. 1

R. Thomas Development, Inc. Property APN 031-040-041				
Item	Description	Quantity	Unit	Price
<u>Street System⁽¹⁾</u>				
1	Roadway Excavation	820	CY	\$5.25
2	0.67' Compact Original Ground	10,291	SF	0.15
3	0.20' AC	10,291	SF	0.70
4	0.30' AB	10,291	SF	0.45
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7	Concrete Subgrade Compaction	1,643	SF	0.35
Sub total				\$26,430.05
<u>Storm Drainage System⁽²⁾</u>				
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Sub total				\$3,066.74
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2	Partial Water Service	11	EA	\$325.00
3	8" Water Valve	1	EA	\$875.00
Sub total				\$10,502.80
Total Reimbursable Improvement Cost				\$45,742.87
10% Engineering & Administration				\$4,574.29
Engineering Plan Check Fee (1.5%)				\$686.14
Engineering Inspection Fee (2.5%)				\$1,143.57
Reimbursement Application Fee				\$800.00
Total Reimbursable Cost				\$52,946.87
Total Reimbursement for Tienda Partners:				\$52,946.87

Notes:

- (1) The reimbursement is based on one half the cost of the Tienda Drive and Lakeshore Drive street improvements fronting the benefiting parcel.
- (2) The piping reimbursement cost is prorated based on the area of contribution to the master storm drain system. The cost of the side inlet catch basin and lateral on the west side of Lakeshore Drive is fully assigned to the benefiting parcel.
- (3) The reimbursement cost is prorated based on the area of contribution to the sewer main system. The cost of the eleven partial sewer services is fully assigned to the benefiting parcel.
- (4) The reimbursement is based on the one half the cost of the water main fronting the benefiting parcel, the cost of 11 partial water services serving the benefiting parcel, and the cost of an 8-inch water main connection and 8-inch water valve for future connection the benefiting parcel.

RECEIVED

OCT 20 2003

City Clerk
City of Lodi

Mr. Richard C. Prima, Jr.
Public Works Director
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

SUBJECT: Set Public Hearing for November 5, 2003, to Consider Reimbursement Agreement RA-03-02 Establishing an Area of Benefit and Reimbursable Costs for Public Improvements for Tienda Place, Unit No. 1, Tract No. 3141

Dear Rich,

We are in receipt of your letter dated September 25, 2003, regarding the above and have reviewed the attached Exhibit B.

In case we are unable to attend the City Council Meeting on November 5, 2003, this letter is being sent to advise that we have no objection to the proposed Area of Benefit and concur with the reimbursable costs as set forth in your Exhibit B (copy attached).

As of now, Jeff Kirst, Jane Thomas and I are all scheduled to be out of the area on the 5th of November.

Sincerely,



Ronald B. Thomas
R. Thomas Development, Inc.

cc: City Council of Lodi

R. THOMAS DEVELOPMENT, INC.

1209 W. TOKAY ST., SUITE 6
P. O. BOX 1598 / LODI, CA 95241-1598 • PHONE (209) 334-5521 • FAX (209) 333-7603



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 5, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, November 5, 2003 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Reimbursement Agreement RA-03-02 Establishing an Area of Benefit and Reimbursable Costs for Public Improvements for Tienda Place, Unit No. 1, Tract No. 3141.

Information regarding this item may be obtained in the office of the Public Works Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: October 1, 2003

Approved as to form:

Randall A. Hays
City Attorney



DECLARATION OF MAILING

**SET PUBLIC HEARING FOR NOVEMBER 5, 2003 TO CONSIDER
THE REIMBURSEMENT AGREEMENT RA-03-02 ESTABLISHING AN AREA OF
BENEFIT AND REIMBURSABLE COSTS FOR PUBLIC IMPROVEMENTS FOR TIENDA
PLACE, UNIT NO. 1, TRACT NO. 3141**

On October 2, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing notice to set a Public Hearing for November 5, 2003, to consider the Reimbursement Agreement RA-03-02 establishing an area of benefit and reimbursable cost for public improvements for Tienda Place, Unit No. 1, Tract No. 3141, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 2, 2003, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK



DECLARATION OF POSTING

**SET A PUBLIC HEARING FOR NOVEMBER 5, 2003 TO CONSIDER
REIMBURSEMENT AGREEMENT RA-03-02 ESTABLISHING AN AREA OF
BENEFIT AND REIMBURSABLE COSTS FOR PUBLIC IMPROVEMENTS FOR
TIENDA PLACE, UNIT NO. 1, TRACT NO. 3141**

On Thursday, October 2, 2003, in the City of Lodi, San Joaquin County, California, a copy of the notice to set a Public Hearing to consider Reimbursement Agreement RA-03-02 Establishing an Area of Benefit and Reimbursable Costs for Public Improvements for Tienda Place, Unit 1, Tract No. 3141, (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 2, 2003, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor
Deputy City Clerk

A handwritten signature in cursive script, reading "Patricia Ochoa", is written over a horizontal line.

Patricia Ochoa
Administrative Clerk

Jennifer M. Perrin
Deputy City Clerk

Mailing List

EXHIBIT B

Tienda Partners
1806 West Kettleman Lane, Ste. G
Lodi CA 95242

Tokay Development
P.O. Box 1259
Woodbridge CA 95258

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
EMILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
KEITH LAND

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

October 30, 2003

Tienda Partners
1806 W. Kettleman Lane, Ste. G
Lodi, CA 95242

R. Thomas Development, Inc.
P.O. Box 1598
Lodi, CA 95241-1598

SUBJECT: Public Hearing to Consider Reimbursement Agreement RA-03-02
Establishing an Area of Benefit and Reimbursable Costs for Public
Improvements for Tienda Place, Unit No. 1, Tract No. 3141

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, November 5, 2003. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Lyman Chang, Associate Civil Engineer, at 333-6800, extension 2665.

P. Farris

for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk